

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

BRIDGET EDWARDS,

Plaintiff, CIVIL ACTION NO.  
2:10cv165

v.

MURPHY BROWN, L.L.C.,

Defendant.

FELICIA D. TENNESSEE,

Plaintiff, CIVIL ACTION NO.  
2:10cv167

5

MURPHY BROWN, L.L.C.,

Defendant.

DEPOSITION UPON ORAL EXAMINATION  
OF LEWIS EPPS,  
TAKEN ON BEHALF OF THE PLAINTIFFS

Waverly, Virginia

August 5, 2011

1 Appearances:

2 KAUFMAN & CANOLES, P.C.  
3 By: JOHN M. BREDEHOFT, ESQUIRE  
4 MARK E. WARBIER, ESQUIRE  
5 Counsel for the Defendant

6 THE EMINENT DOMAIN LITIGATION GROUP, P.L.C.  
7 By: HENRY W. HOWELL, III, ESQUIRE  
8 Counsel for the Plaintiffs

9  
10 Also present: Mary Beth Williams  
11 Bridget Edwards  
12 Felicia D. Tennessee

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1	I N D E X		
2	DEPONENT	EXAMINATION BY	PAGE
3	LEWIS EPPS	MR. HOWELL	4
4		MR. BREDEHOFT	32

5	
6	
7	EXHIBITS
8	(NONE)
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9 - - - - -  
10 LEWIS EPPS was sworn and deposed on behalf of  
11 the Plaintiffs as follows:

13 EXAMINATION

15 BY MR. HOWELL:

16 Q. Mr. Epps, I don't think you had that much  
17 choice, but I still thank you for coming this morning.

18 A. You're welcome.

19 Q. Hank Howell. I go by Hank. Henry Howell  
20 representing these ladies over here, Mrs. Felicia Tennessee  
21 and Ms. Bridget Edwards, in some litigation, with Henry  
22 Marsh, who associated me to help him out on the case. And  
23 I've been doing that, so we're here today to ask some  
24 questions and get some information.

25 A. Okay.

1                   Q.     And I'll try to be as efficient as I can and  
2 try to make my questions understandable so that I'm not  
3 asking you when you stopped beating your wife, for  
4 example, a trick question, or kicking your dog. I  
5 don't know what. I've got to come up with something  
6 more politically correct as an unfair question.

7                   Okay. Mr. Epps, please introduce yourself  
8 and give your employment.

9                   A.     My name is Lewis Epps. I work for Murphy  
10 Brown.

11                  Q.     What is your position?

12                  A.     Production manager.

13                  Q.     How long have you been with Murphy Brown,  
14 approximately?

15                  A.     23 years.

16                  Q.     Wow. How did you get started with them?

17                  A.     My dad ran a dairy farm and I heard about the  
18 hog operation getting developed in Ivor and ended up  
19 coming to work for Carroll Foods at the time and have  
20 been here every since.

21                  Q.     And what type of work did you do beginning  
22 with Carroll Foods? You know, were you production  
23 manager then?

24                  A.     Oh, no, sir. I started out in the finishing  
25 department, farrowing house, and the breeding barns on

1 the farm. So I was a regular employee, Farm 3.

2 Q. Farm 3?

3 A. Yes, sir.

4 Q. Is that near Ivor?

5 A. Yes, sir. About six miles away.

6 Q. So how did you progress up -- I know it can  
7 be a long or a short story, but just briefly -- to  
8 production manager?

9 A. I started out, like I say, on the farm. I  
10 was on Farm 3 for nine months, then got transferred to  
11 Farm 12. Then was promoted to manager April of '89,  
12 which is about 12 -- 14 months later from the day I got  
13 hired. Managed 14 for three years. Then I transferred  
14 to Farm 1 and managed that farm. I managed that farm  
15 until '94. In '94 I became production manager.

16 Q. Have you had the same farms under you as  
17 production manager since '94?

18 A. Oh, no, sir. They change as our production  
19 director feels like.

20 Q. Okay.

21 A. You might keep the same farm for a year or  
22 two. There's no rhyme or reason to it.

23 Q. How many -- well, what farms did you have  
24 under you in 2007, 2008?

25 A. I had 6, 7, 8. I believe Farms 1, 2, 3, 4.

1 And 5, I believe. I'm not sure about that, but I know  
2 I had 6, 7, 8.

3 Q. Is the normal grouping about eight farms  
4 under a production manager?

5 A. It depends on the number of pigs per farm and  
6 how much that production manager can handle from area,  
7 from the farms that are far apart or close by. So I've  
8 had as few as five and as many as ten.

9 Q. Who worked under you -- well, let me just  
10 say, 6, 7, and 8 are kind of grouped together outside  
11 of Ivor?

12 A. Yes.

13

14 (An off-the-record discussion took place.)

15

16 BY MR. HOWELL:

17 Q. Would the farm managers report to you?

18 A. Yes.

19 Q. Directly?

20 A. Yes.

21 Q. I just want to focus on 6, 7, and 8.

22 A. Uh-huh.

23 Q. Around '07 and '08 who was manager of 6, if  
24 you remember? Farm 6.

25 A. The manager of 6 was Emily Bunn.

1 Q. And 7?

2 A. Was her husband, Ken Bunn.

3 MR. BREDEHOFT: Can you spell Bunn for the  
4 court reporter?

5 THE DEPONENT: B-U-N-N.

6

7 BY MR. HOWELL:

8 Q. And then Leigh Flournoy was at 8?

9 A. Yes.

10 Q. As of January '08, how long, approximately,  
11 had Emily Bunn been manager of 6? Two or three years  
12 or --

13 A. At least a year. I really don't know.

14 Q. How about Ken Bunn on Farm 7? How long had  
15 he been out there under you?

16 A. Probably two or three years. He was there  
17 longer.

18 Q. Do you remember a Joyce Nichols working under  
19 Ken Bunn on Farm 7 or 6? Joyce Nichols?

20 A. Yes.

21 Q. Okay. Do you remember any incident in '06  
22 when Ken Bunn would have reported to you a contact  
23 between Joyce and a Hispanic worker, a male worker,  
24 that there had been touching on the weekend?

25 A. No.

1 Q. You don't remember that?

2 A. No.

3 Q. Nothing like that?

4 A. No, sir.

5 Q. Okay. Does Ken Bunn still working at 7?

6 A. No.

7 Q. Where is he now?

8 A. He's production manager --

9 Q. Oh. Okay.

10 A. -- here in Waverly.

11 Q. Good. Does he have farms?

12 A. Yes.

13 Q. Okay. Is Emily Bunn still at 6 or has she

14 moved?

15 A. She has moved to a farm in Carolina.

16 Q. When did Murphy Brown start employing

17 Hispanic workers?

18 A. Let's see. I'd say eight years ago.

19 Q. What did you observe as the beginning of the

20 Hispanic workers coming in and how they progressed to

21 '08 in terms of the mix of workers under you? Did one

22 come and then two come or three come, did six come all

23 at once, or -- I don't know.

24 A. They slowly progressed in. I'm not sure how

25 many were hired -- like when the first one started we

1       might have hired three. I really don't know, but I  
2       know what we did was the managers that we had that  
3       could communicate with them, that could speak Spanish,  
4       were the ones that we slid them over and transferred  
5       some of their crew over to other farms so we could get  
6       these guys trained because the English managers, like  
7       myself, they speak no English, so I really couldn't  
8       communicate with them. So that was what we felt like  
9       we could do to help, you know, giving them employment,  
10       because we had a hard time finding staff. So this is  
11       what we felt we could do to get guys trained faster.

12       Q.       And by finding staff you mean within the area  
13       of south side, around the farm operations, it was hard  
14       staffing the positions in the various departments of  
15       the farms; is that what you're saying?

16       A.       Yes.

17       Q.       And so some decision was made to start  
18       recruiting out of south of the Rio Grande, Mexico?

19       A.       Oh. No, no, no, no.

20       Q.       Okay.

21       A.       It was whatever came in the door came in the  
22       door. They progressed to here, as far as I know.

23       Q.       Okay.

24       A.       Yeah. We did not go communicate, try to hire  
25       them in, no.

1                   Q.        Okay.  There are Mexican -- I mean, there are  
2 operations of Smithfield in Mexico.  That's why I bring  
3 it up.

4                   A.        Yeah.

5                   Q.        To your knowledge, that's not really part of  
6 the beginning of hiring Mexican workers on these farms?  
7 It was more they showed up here and they were processed  
8 and hired?

9                   A.        Yeah.

10                  Q.        Were you involved in hiring at all?

11                  A.        No.  I mean, they go to the farm, the manager  
12 in some cases would interview some, some of them they  
13 didn't, and they would call back to the office and say,  
14 Yes, hire, or, No, do not hire.

15                  Q.        I see.

16                  A.        Managers did that.

17                  Q.        So, first, the potential -- the applicant for  
18 the job who shows up but is not -- is an alien worker,  
19 shows up at Murphy Brown here in Waverly or somewhere  
20 else do they go to first seek employment, if you know?

21                  A.        They would have to come here to file  
22 applications.

23                  Q.        Okay.  So they file applications.  The  
24 process -- and at some point they go out to the  
25 manager, who talks to them or checks them out, and then

1 the manager calls back and says, Hire, or, Don't hire.

2 A. Yeah. And they may just be interviewed at  
3 the window at the farm, you know, just seeing who they  
4 are, you know, what kind of worker they might have.  
5 Some cases they shower in and take them through the  
6 facility. It all depends, you know, on the manager and  
7 the time constraints that they're under.

8 Q. All right. So you mean they could show up  
9 right there, have them fill out an application?

10 A. Oh, no, no, no. The office would send them.

11 Q. The office would send them.

12 A. Yeah.

13 Q. I got you.

14 A. Yeah.

15 Q. Okay.

16 A. They've all been cleared through here first.

17 Q. Do you know anything of the process of  
18 clearing them here?

19 A. No, I don't. I do not.

20 Q. All right. Before January '08 had you as  
21 production manager received any complaints from female  
22 employees about conduct of Hispanic male workers before  
23 January '08?

24 A. Before January '08?

25 Q. Yeah. I mean, the Mexicans came -- were

1 there for -- well, you said --

2 A. Five.

3 Q. -- yeah, like five years before January '08  
4 or something, a period of time. And in that timeframe  
5 had you as production manager had any female workers,  
6 non-Mexican, non-Hispanic, come to you to complain  
7 about any behavior of male Hispanic workers?

8 A. Not other than this situation we're in now.

9 Q. This is the first time?

10 A. Yes.

11 Q. Okay. How well did you know the Hispanic  
12 workers working on Farm 8 at the time of this door  
13 incident?

14 A. I knew who they were at the farm, but being I  
15 couldn't speak to them, and of course they couldn't  
16 speak to me, it was limited, you know, interaction.  
17 When I would go to the farm the manager -- I would talk  
18 to the ladies here present who I could communicate to  
19 in their department and then the Hispanic guys I would  
20 just talk to the manager and he would address them  
21 later with issues that I saw.

22 Q. Do you know whether Mrs. Flournoy knows  
23 Spanish?

24 A. She knows some.

25 Q. Some.

1           A.       Yes.  How much I don't know, but she does.  
2       She can communicate a little bit.

3           Q.       All right.  Would you be able to name them by  
4       name if you had to?

5           A.       No.

6           Q.       All right.  Did you review anything to  
7       prepare for the deposition today?

8           A.       No.

9           Q.       All right.  Let me -- I've got names of these  
10      gentlemen who were at the farm that have been given to  
11      me.  I'm just going to run over them.  Salvador  
12      Rodriguez Hernandez, Miguel Vaquez, Jose Rodriguez, and  
13      Wizberto Santiago Izarri.

14           Are you familiar with those names now?

15           A.       That sounds like the crew.  Yes.

16           Q.       Okay.  Now, were you aware that Salvador  
17      Rodriguez Hernandez had worked at the farm under a  
18      different name of Talon?

19           A.       I don't know.

20           Q.       Okay.  All right.  So was there any problems  
21      on Farm 8 with the Hispanic workers, to your knowledge,  
22      before the door incident at Farm 8?

23           A.       In previous visits they would mention to me  
24      that they felt like they were doing more work than the  
25      rest of the staff on the farm, and they asked me to

1 talk to the manager about it.

2 Q. All right. And when they say "rest of the  
3 staff," the only other staff was Mrs. Tennessee and Ms.  
4 Edwards?

5 A. Yes. And not all four Hispanics. I mean,  
6 the one that could speak a little English was the one  
7 that came up to me and said, I feel like I'm washing  
8 their rooms, I'm doing their work, why aren't they  
9 doing it, kind of thing.

10 And the manager sets the schedule. I don't  
11 do that.

12 Q. Right. Of course, Ms. Tennessee had worked  
13 for a long time.

14 A. Yes.

15 Q. Had she worked under you a long time?

16 A. Not a long time, but she had for I'd say  
17 about two years. Yeah. Something like that.

18 Q. Were you aware of her previous employment  
19 with Murphy Brown and the farms?

20 A. I knew she worked on other farms, but those  
21 farms were not my responsibility, so I knew her name  
22 and knew who she was.

23 Q. What type of worker was she, in your opinion,  
24 if you had one?

25 A. Very good. She was interested in her

1 department. When I would go through we'd interact and,  
2 you know, talk about things to improve and issues she  
3 was having in her department, and -- you know, and she  
4 helped, you know, manage the farm and control staff and  
5 things of that nature.

6 Q. And Ms. Edwards worked under her?

7 A. Yes.

8 Q. Okay. Had you received any complaints about  
9 Ms. Edwards?

10 A. From?

11 Q. Anyone. About employment around that  
12 timeframe that she worked under you other than the  
13 Mexican's saying, you know, the amount of work.

14 A. Oh, no. No.

15 Q. Okay. Had you known Ms. Edwards for a  
16 while --

17 A. Quite --

18 Q. -- before January '08?

19 A. Quite a few years. Yes.

20 Q. All right. Now, we get to your first  
21 learning about some holes in a door to the women's  
22 shower room. I'm just going to bring you forward to  
23 that. Tell me how you first learned about it.

24 A. The manager, Leigh Flournoy, called me that  
25 night. I'm not sure if it was a Tuesday night or a

1       Wednesday night, but she called me like I'm going to  
2       say six p.m., something like that, it was after hours,  
3       and said the two ladies had just called her and said  
4       they found holes in the door and she wanted to report  
5       it to me. So we talked on the phone for a few minutes.  
6       And what I instructed her to do was go to the farm  
7       early and caulk the holes in the door and -- because  
8       the farm is 20 years old, we did not know whether the  
9       holes were new or 20 years old. So I said, Let's caulk  
10      them. See if you can find them -- because the girls  
11      told her about where they were. And she was to go in  
12      the next morning and caulk the holes, and that's what  
13      she did.

14           Q.        Okay. She reported back to you she had done  
15      that the next day?

16           A.        The next morning, yes, we spoke.

17           Q.        And what did you learn about what was going  
18      on at that time from Ms. Flournoy?

19           A.        Well, she had got there -- she didn't get  
20      there early. So when she got there I believe the  
21      ladies and maybe some of the guys, I'm not sure how it  
22      worked out, but they ended up realizing she had caulked  
23      the holes in the door. And I didn't really want the  
24      whole staff to know so we wouldn't, one, realize that  
25      the holes were drilled again, we knew it was current

1 staff, not staff from 20 years or staff from five years  
2 ago or whatever. So just trying to see what happened.  
3 And so all the staff found out, which I'm not sure what  
4 kind of disruption that made in the farm that morning,  
5 but they all knew we caulked the holes. And she had  
6 told me she had caulked the holes, so --

7 Q. When was the next communication -- did you  
8 ever go out to look at the holes?

9 A. Yes.

10 Q. Was that the next morning or the next day or  
11 a couple days or what?

12 A. I believe it was the next day, but in the  
13 afternoon, maybe lunchtime, 1:00, somewhere midday.

14 Q. Had the holes been caulked at that point?

15 A. Yes. She had did it in the morning.

16 MR. BREDEHOFT: I'm sorry for interrupting.

17 MR. HOWELL: Sure. No. Go ahead.

18 MR. BREDEHOFT: I think it might be  
19 ambiguous, whether this is the day after the phone call  
20 or the next day after they reported back to work. I  
21 think there's some ambiguity.

22

23 BY MR. HOWELL:

24 Q. Okay. So you got the call in the evening at  
25 six?

1 A. Uh-huh.

2 Q. You told her to caulk the holes then?

3 A. That morning -- the next morning.

4 Q. The next morning. And she told you she had.

5 And then did you go out that day to see they had been  
6 caulked or the following day?

7 A. I believe it was that day.

8 Q. That day.

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. Okay. What did you do when you arrived on  
13 the farm?

14 A. Walked in the front door to the time clock  
15 area, addressed the two ladies that were at the table  
16 doing paperwork and whatever. Leigh was either in her  
17 office or in the hallway. I spoke to Leigh on the  
18 men's side shower room. She asked me, Do you want to  
19 see the holes? I said, Yes, because we were discussing  
20 other issues not pertaining to the door. So I walked  
21 around to the women's door shower, walked in through  
22 the shower, and Leigh showed me where the holes were  
23 that she caulked.

24 Q. And she had some pictures of the holes before  
25 they were caulked she had taken with her --

1           A.       On her phone, but -- I didn't see those, but  
2 I saw where the caulk was.

3           Q.       All right.

4           A.       Yeah.

5           Q.       Did you do anything or say anything after you  
6 saw them?

7           A.       With Leigh --

8           Q.       Yeah.

9           A.       -- or --

10          Q.       Or any of the Mexican -- you didn't speak to  
11 the Mexicans?

12          A.       They weren't up there.  No.  No.

13          Q.       Okay.  So how about with Leigh?  What did you  
14 all talk about?  Anything after that?

15          A.       We just talked about caulking holes on the  
16 door.  Wanted to see if there was, you know, any other  
17 issues that needed to be addressed.  We felt like the  
18 holes were caulked, it's a concealed door again, and  
19 didn't really do anything else after that.  I mean, I  
20 reported to HR that we had caulked the holes, so they  
21 knew, but, I mean, we didn't do anything else.  And we  
22 were standing there talking and Bridget and Felicia  
23 were at the table, which was 18, 20 feet away maybe,  
24 and then they never came back there to ask me questions  
25 about the door.

1 Q. All right.

2 A. So when I got done with Leigh I just left and  
3 called HR and told them what we did.

4 Q. Did anyone tell you around that time about  
5 Salvador Rodriguez Hernandez being caught by the door  
6 by the ladies?

7 A. That was part of the conversation from Leigh,  
8 yes --

9 Q. Okay.

10 A. -- that they had opened the door and there he  
11 was.

12 Q. All right. I take it just you didn't go over  
13 to Bridget and Felicia to say, What happened, or to  
14 interview them at that point? Because they hadn't come  
15 over to you, you didn't go over to them and you just  
16 left?

17 A. Yeah.

18 Q. Okay. What's your next involvement with the  
19 door incident? A call the next day from Leigh Flournoy  
20 or --

21 A. I reported to HR what we did with caulking  
22 the door. Leigh called me back maybe the next day or  
23 the day after --

24 Q. Okay. That's fine.

25 A. -- I'm not really sure, and said Bridget and

1       Felicia said the door was not satisfactory. I said,  
2       Okay.

3                   So I told her -- I instructed her then to  
4       take a towel and put over the door so if they drilled a  
5       hole in the door you're not going to get through the  
6       towel. So they could drill, it wouldn't be a problem.  
7       I would definitely know it was, you know, people on the  
8       farm at this time. And so we did that.

9                   And I believe it may have been the same day  
10      or the next day that the ladies again said that was not  
11      satisfactory. And I guess a few days later we replaced  
12      the whole door.

13       Q.        Okay. Was that after they came up here and  
14      spoke with you and someone from Human Resources?

15       A.        The door replacement?

16       Q.        Yeah.

17       A.        I'm not sure. It was pretty -- it was one or  
18      the other. You know, it could have been before and it  
19      could have been after. I'm not sure.

20       Q.        Okay. So at one morning around that time  
21      Felicia Tennessee and Bridget Edwards came to Human  
22      Resources about what had happened?

23       A.        (Moved head up and down.)

24       Q.        And you were in on that meeting?

25       A.        Yes.

1                   Q.        Okay.  How did you know -- what was told to  
2 you that morning that got you here?  Maybe you're here  
3 all the time, but had you heard they were coming before  
4 they came?

5                   A.        Yes.  I got a call, I believe it was from  
6 Leigh, saying that Bridget and Felicia were on their  
7 way up here.

8                   Q.        Okay.

9                   A.        It could have been Ms. Brooks, but, yeah, I  
10 knew they were coming.  So I was upstairs doing my  
11 weekly paperwork and stuff I had to do on that certain  
12 day.

13                  Q.        All right.  So they arrived here in the  
14 morning?

15                  A.        Uh-huh.

16                  Q.        What happened of significance, you know, in  
17 terms of --

18                  A.        Me and Ms. Brooks and Bridget and Felicia  
19 went into the smaller conference room, and Laura just  
20 interviewed, you know, both of them and got their  
21 statements of, you know, what was happening.  And  
22 that's when we got into more details on the door, more  
23 details on the touching arms and maybe feet under the  
24 table kind of stuff that was going on.  And when we  
25 were done -- Laura, you know, took notes the whole

1 time. When we were done the ladies asked to not go  
2 back to Farm 8. And we said, okay, we'd have to let  
3 them know which farms because I didn't know on the spur  
4 of the moment where I would transfer them to. And when  
5 they left Felicia asked not to go to one farm because  
6 of one person she didn't get along with. And we said,  
7 Okay. And Laura said she would call them that night or  
8 later that afternoon, because this was, you know, 10:00  
9 in the morning, whatever, and we would let them know  
10 where to report the next day.

11 Q. Can you remember any other details of what  
12 happened -- what was said in the conversation with  
13 Felicia and Bridget when you were there with  
14 Ms. Brooks?

15 A. There was -- well, foots under the table,  
16 rubbing the feet, whatever. There was walking past I  
17 guess while they were sitting in their chair and just  
18 nudge them on the shoulder was mentioned. And then  
19 saying things in Spanish, which I don't know what they  
20 were, but saying things that wasn't nice, I reckon -- I  
21 don't know Spanish, but I think they know a little bit  
22 being on the farm with the guys every day -- that they  
23 took offense at.

24 Q. Okay. Were the ladies upset?

25 A. Yes.

1                   Q.     Did these employees on 6, 7, and 8, the  
2 Hispanic ones, ride to work together, if you know?

3                   A.     They all have to. Most of them have one car  
4 and some have two. So some drive. Some hitch rides.  
5 That's -- anybody does that.

6                   Q.     Do the Hispanics know each other?

7                   MR. BREDEHOFT: Foundation.

8

9 BY MR. HOWELL:

10                  Q.     Yeah. Okay.

11                  Based on your observations, did the Hispanics  
12 from 6, 7, and 8 know each other and not only on the  
13 farm but off the farm in terms of they rode together or  
14 you saw them talking together or you knew they lived in  
15 the same place or anything like that?

16                  A.     I don't know. I mean, they could. I don't  
17 know.

18                  Q.     All right. Do you remember suggesting to  
19 Mrs. Tennessee and Ms. Edwards that they might have put  
20 the holes in the door?

21                  A.     Yes.

22                  Q.     You did say that to them?

23                  A.     Uh-huh.

24                  Q.     Why did you say that?

25                  A.     Because I know the days before -- that there

1 had been a complaint the day before to HR from the  
2 Hispanic guys about the two ladies, I guess about the  
3 workload, so they called the HR rep. I don't remember  
4 his name. And he came to the farm and spoke to the  
5 gentlemen on the farm. And then, like I said, the very  
6 next day here comes the holes in the door. And not  
7 knowing who did it, it could have been anybody. It  
8 could have been them. It could have been the guys on  
9 the farm. It could have been the guys we employed five  
10 and ten years ago. So it could have been anybody. So  
11 that's why we wanted to find out if there was any more  
12 holes drilled after we caulked them to at least  
13 designate that it was the staff on that site.

14 Q. But I'm trying to get why -- why would you  
15 include Mrs. Tennessee and Ms. Edwards among the  
16 potential suspects who would have put the holes in the  
17 door?

18 A. Because the day before the gentlemen had did  
19 a complaint against them, and it could have been  
20 retaliation. I don't know. I wasn't involved in  
21 either of the conversations, but I didn't know.

22 Q. Well, all right. Well, what do you know  
23 about the complaint or the concerns of work sharing by  
24 the Hispanic workers at Farm 8? What do you know about  
25 those complaints, if anything, you know, besides what

1 you've said? If anything. I don't know. You may have  
2 reported all that you know, but do you know anything  
3 else about that?

4 A. The biggest complaint was that on wean day,  
5 when we take the babies from the mothers to the  
6 nursery, was that the guys were doing all the weaning.  
7 And then they would in turn end up having to wash the  
8 two rooms that was the ladies' responsibility. And the  
9 guys didn't understand why they're washing their  
10 department and they already have to wash their own  
11 department. And they felt, well, we're in there  
12 weaning the pigs and the ladies would disappear.  
13 Whether she wanted to go to the rest room or go check  
14 on the pigs, they don't know where the ladies went, or  
15 one of them went. And they said, We're in here doing  
16 their job. And they felt that was the biggest thing.

17 Q. That's what the translator told you?

18 A. That's what one of the guys said.

19 Q. Through the translator?

20 A. No. The one that could speak some English to  
21 me.

22 Q. Okay.

23 A. The rest of them don't talk to you.

24 Q. Right. But at that point in time did you  
25 consider the long-term employment history between Ms.

1 Edwards and Mrs. Tennessee and Murphy Brown compared to  
2 the Hispanic workers?

3 A. Compared to the complaint?

4 Q. Compared to the four Hispanic -- the one who  
5 talked to you about he didn't like cleaning up theirs.

6 A. Right.

7 Q. I mean, did you have in your mind the length  
8 of work employment of these two when you suggested they  
9 may have put the holes in the door? Were you thinking  
10 about how long they had worked for Murphy Brown as good  
11 employees --

12 A. Right.

13 Q. -- when you suggested they might have put the  
14 holes in the door? Were you thinking of that at that  
15 time --

16 A. No.

17 Q. -- or just --

18 A. No. Just that -- the fact that we had had a  
19 complaint the day before and the very next day we got  
20 holes in the door. That was the only deal that -- I  
21 wasn't, you know, somebody been here ten years, 20  
22 years. That didn't come into play, no.

23 Q. Did you take any action against the four  
24 Hispanic male workers working on Farm 8 at the time of  
25 the incident?

1 A. Like disciplinary or --

2 Q. Anything.

3 A. No. Turned it over to HR. They were going  
4 to do an investigation.

5 Q. When was the last -- when was the next time  
6 you heard something related to the incident within your  
7 purview of work?

8 A. I don't understand.

9 Q. I mean, well, did you hear anything about the  
10 incident from HR or Leigh Flournoy before you learned  
11 that Salvador Rodriguez Hernandez had been arrested?

12 A. No.

13 Q. How did you come to learn he had been  
14 arrested?

15 A. Possibly Leigh called me and said they just  
16 -- yeah, I think that, They just came and arrested  
17 Salvador.

18 And I'm not sure how many days or a week  
19 later that was after the issue.

20 Q. Okay. Well, did you learn what happened to  
21 Salvador after he was arrested?

22 A. Heard he was arrested, put in jail for three  
23 or four days, and went to the judge, I guess, and said,  
24 Guilty, or whatever he said. He apparently had did it,  
25 I guess. I don't know. I wasn't there.

1 Q. Someone told you he pled guilty --

2 A. Yeah.

3 Q. -- to peeping?

4 A. I don't know what. I guess he said guilty to  
5 whatever they were addressing him or -- or arrested him  
6 for, I guess.

7 Q. Did you ever make a determination of who put  
8 the holes in the door?

9 A. No, sir.

10 Q. Did you have any facts to dispute that  
11 Salvador Rodriguez Hernandez was guilty of the charge?

12 A. No.

13 Q. Do you know whether he worked between the  
14 time he bailed out and actually pled guilty?

15 A. I thought it was the same day. I thought  
16 that was how he got out.

17 Q. How long was it between the incident and when  
18 he was taken away by the police? A couple weeks?

19 A. I don't think it was that long. A week, ten  
20 days. It seems like it was pretty quick. It wasn't a  
21 long time, no.

22 Q. Did his arrest and pleading guilty, to your  
23 knowledge, prompt any further investigation into the  
24 door incident?

25 A. I know HR was still looking into it, but you

1 mean like police issues?

2 Q. Or anything.

3 A. I don't know. I know they were still  
4 investigating it, but that's all I know.

5 Q. Okay. At any point did they communicate to  
6 you any findings relating to -- well, I take it  
7 Salvador Rodriguez Hernandez -- did he come back to  
8 work after pleading guilty?

9 A. I think he did. I think he was on the farm  
10 for a day or two and then we terminated him. I believe  
11 that's right.

12 Q. And what was the basis for the termination?

13 A. I'm assuming because he pled guilty to the  
14 action.

15 Q. Are you aware of any disciplinary action  
16 towards the other three who remained?

17 A. Not that I'm aware of, no.

18 Q. And this is important. Are you positive Ken  
19 Bunn never came to you with any complaint from Joyce  
20 Nichols that on a weekend a Hispanic male worker had  
21 put his hands on her?

22 A. I just don't remember that, no.

23 Q. Would that have been something that would  
24 have resulted in a record and a report to Human  
25 Resources?

1 A. Oh, yes.

2 Q. Would Ken Bunn be a better person to talk to  
3 about it?

4 A. Probably so, yes.

5 MR. HOWELL: Okay. That's it for me.

6

7 EXAMINATION

8

9 BY MR. BREDEHOFT:

10 Q. Did you ever laugh at either Ms. Tennessee or  
11 Ms. Edwards because they were complaining?

12 A. Not that I'm aware of, no.

13 Q. Did you laugh at their complaints?

14 A. No.

15 Q. Did you make fun of them?

16 A. No.

17 Q. Did you take it seriously?

18 A. Yes.

19 Q. And you consider it's a serious matter,  
20 right?

21 A. Yes, sir.

22 Q. Okay. We talked a little bit about the day  
23 after the complaint phone calls of the first evening.  
24 And then you said you reported to HR that the holes had  
25 been caulked. Was that the first time you spoke to HR

1 about the complaint or had you talked to them earlier?

2 A. I spoke to them that next morning and  
3 informed Laura of the holes in the door and then -- and  
4 let her know that we had patched the holes. So she  
5 heard about it first and then I guess that second phone  
6 call later.

7 Q. Okay. Mr. Salvador Rodriguez Hernandez  
8 coming back to work after he pled guilty, are you sure  
9 he came back to work after he pled guilty?

10 A. I'm not sure. I didn't see him.

11 Q. Okay.

12 A. I thought they pulled him to the office to  
13 terminate him. I think that's what happened.

14 MR. BREDEHOFT: I have nothing further.

15 MR. HOWELL: Okay. Thank you.

16 MR. BREDEHOFT: He'll read and sign. Thank  
17 you.

18

19 (Signature not waived.)

20

21 (The deposition was concluded at 1:15 p.m.)

22

23

24

25

DEPOSITION ERRATA SHEET

Case Caption: Bridget Edwards v. Murphy Brown, L.L.C.,  
and Felicia D. Tennessee v. Murphy Brown, L.L.C.

Deponent: Lewis Epps

Deposition Date: August 5, 2011

I have read the entire transcript of my deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and request both to be attached to the original transcript.

Page/Line Nos.      Correction/Reason

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
LEWIS EPPS

1 CERTIFICATE OF DEPONENT

2 COMMONWEALTH OF VIRGINIA  
3 CITY OF \_\_\_\_\_

4 Before me, this day, personally appeared LEWIS EPPS,  
5 who, being duly sworn, states that the foregoing transcript  
6 of this deposition, taken in the matter, on the date and at  
7 the place set out on the title page hereof, constitutes a  
8 true and complete transcript of said deposition.

9 -----  
10 LEWIS EPPS

11 SUBSCRIBED and SWORN to before me this  
12 day of \_\_\_\_\_, 2011, in the jurisdiction aforesaid.

13 My Commission Expires \_\_\_\_\_

14 Notary Public \_\_\_\_\_

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Kathleen Beard Adams, RPR, CCR, a Notary  
3 Public for the Commonwealth of Virginia at large, of  
4 qualification in the Circuit Court of the City of  
5 Virginia Beach, Virginia, and whose commission expires  
6 August 31, 2014, do hereby certify that the within  
7 named deponent, LEWIS EPPS, appeared before me at  
8 Waverly, Virginia, as hereinbefore set forth, and after  
being first duly sworn by me, was thereupon examined  
upon his oath by counsel for the respective parties;  
that his examination was recorded in Stenotype by me  
and reduced to computer printout under my direction;  
and that the foregoing constitutes, to the best of my  
ability, a true, accurate, and complete transcript of  
such examination.

9  
10 I further certify that I am not related to nor  
11 otherwise associated with any counsel or party to this  
proceeding, nor otherwise interested in the event  
thereof.

12 Given under my hand and notarial seal this 16th  
13 day of August, 2011.

14  
15  
16 -----  
17 Notary Public  
Certified Court Reporter No. 0313086  
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